

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

STUART A. MEDOFF, M.D.

Holder of License No. 12154
For the Practice of Allopathic Medicine
In the State of Arizona

Case No. MD-04-1314A

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Stuart A. Medoff, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter.

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

3 5. Upon signing this agreement, and returning this document (or a copy thereof)
4 to the Board's Executive Director, Respondent may not revoke the acceptance of the
5 Consent Agreement. Respondent may not make any modifications to the document. Any
6 modifications to this original document are ineffective and void unless mutually approved
7 by the parties.

8 6. This Consent Agreement, once approved and signed, is a public record that
9 will be publicly disseminated as a formal action of the Board and will be reported to the
10 National Practitioner Data Bank and to the Arizona Medical Board's website.

11 7. If any part of the Consent Agreement is later declared void or otherwise
12 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force
13 and effect.

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17 STUART A. MEDOFF, M.D.

DATED: 3.2.06

FINDINGS OF FACT

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2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 12154 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-04-1314A after receiving notification of
7 a malpractice settlement involving Respondent's care and treatment of a 59 year-old male
8 patient ("H.G.").

9 4. On December 17, 1998 H.G. presented to Respondent with complaints of
10 epigastric and right upper quadrant abdominal pain. An abdominal ultrasound revealed a
11 2.4 cm mass in the lower pole of the left kidney.

12 5. On December 24, 1998 an abdominal computerized tomography (CT) scan
13 confirmed the mass and suggested a possibility of malignancy.

14 6. On December 31, 1998 another physician provided conducted a CT guided
15 biopsy of H.G.'s left kidney that revealed "rare atypical cells present."

16 7. On January 05, 1999 Respondent followed up with H.G. in office and noted
17 the biopsy test results as a benign cyst with no suspicion of malignancy. H.G. continued to
18 complain of diffuse abdominal tenderness. Respondent then referred H.G. to a
19 gastroenterologist ("Gastroenterologist").

20 8. On January 18, 1999 Gastroenterologist evaluated H.G. and performed a
21 colonoscopy that showed unremarkable results.

22 9. On December 13, 2000 H.G. presented to Respondent with complaints of
23 severe abdominal, left lower quadrant, and lower back pain. Respondent referred H.G. to
24 the emergency room. A CT scan was performed that revealed a partially cystic mass at
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1 the inferior aspect of the ectopic left kidney. The mass was considered indeterminate, but
2 renal cell carcinoma was not ruled out.

3 10. Respondent then referred H.G. to another gastroenterologist who performed
4 another colonoscopy that was also unremarkable.

5 11. In July 2001 H.G. presented to Respondent with frequent urination.
6 Respondent then referred H.G. to a urologist.

7 12. On July 11, 2001 H.G. was evaluated by the urologist who felt H.G. was
8 having symptoms of benign prostatic hypertrophy.

9 13. In November 2001 H.G. presented to Respondent with a lingering cough.
10 Respondent diagnosed H.G. with reactive airway disease and treated H.G. with
11 medication.

12 14. In July 2002 H.G. underwent cardiac catheterization and was found to have
13 extensive coronary artery disease with obstructions in several arteries.

14 15. On March 25, 2002 H.G. underwent coronary artery bypass grafting (CABG)
15 surgery.

16 16. On July 26, 2002 H.G. followed up with Respondent's associate ("Associate")
17 with complaints of fever, weight loss and coughing that had lasted for approximately one
18 year. A chest x-ray was completed in office and interpreted by Associate as negative, but
19 the radiologist's interpretation of the x-ray reported a 12 mm oval nodule in the left mid
20 lung field and other small nodules in the lower lung lobes.

21 17. On August 1, 2002 H.G. underwent a thoracic CT scan that revealed seven
22 pulmonary nodules. A magnetic resonance imaging (MRI) of the abdomen and pelvis
23 showed a 7.2 x 7 x 6.4 cm, inferior pole left renal mass consistent with renal cell
24 carcinoma with presumed pulmonary metastases. An addendum issued by the radiologist
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1 indicated review of films on December 13, 2000 revealing a 3.5 cm mass. The radiologist
2 noted the pre-biopsy film of 1998 also showed a 2 cm mass at that time.

3 18. On August 27, 2002 H.G. underwent a radical nephrectomy that revealed
4 renal cell carcinoma. H.G. was then treated by an oncologist.

5 19. On September 13, 2002 H.G. underwent a right lung biopsy that revealed
6 metastatic renal cell carcinoma. H.G. underwent chemotherapy and radiation, but the
7 carcinoma progressed and H.G. died on September 1, 2003.

8 20. The standard of care required Respondent, as a primary care physician, to
9 maintain a broad overview of H.G.'s care and pursue follow up care until a definitive
10 diagnosis is reached.

11 21. Respondent deviated from the standard of care because he did not have a
12 broad overview of H.G.'s care and because he failed to pursue H.G.'s evaluation in an
13 aggressive and directed fashion.

14 22. H.G. was harmed because Respondent failed to timely diagnose abnormal
15 test results, failed to adequately follow H.G.'s care, and failed to follow a gradually
16 enlarging mass that ultimately resulted in H.G.'s death.

17 CONCLUSIONS OF LAW

18 1. The Board possesses jurisdiction over the subject matter hereof and over
19 Respondent.

20 2. The conduct and circumstances described above constitute unprofessional
21 conduct pursuant to A.R.S. § 32-1401 (27)(q) – (“[a]ny conduct or practice that is or might
22 be harmful or dangerous to the health of the patient or the public.”)

23 3. The conduct and circumstances described above constitute unprofessional
24 conduct pursuant to A.R.S. § 32-1401 (27)(II) – (“[c]onduct that the board determines is
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gross negligence, repeated negligence or negligence resulting in harm to or the death of a patient.")

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand for failure to hold a clear overview of H.G.'s care when test results showed a gradually enlarging mass that resulted in metastatic carcinoma and the death of H.G.

2. This Order is the final disposition of case number MD-04-1314A.

DATED AND EFFECTIVE this 6th day of April, 2006.

(SEAL)



ARIZONA MEDICAL BOARD

By

TIMOTHY C. MILLER, J.D.
Executive Director

ORIGINAL of the foregoing filed this 7th day of April, 2006 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed this 7th day of April, 2006 to:

EXECUTED COPY of the foregoing mailed this 7th day of April, 2006 to:

Stuart A. Medoff, M.D.
Address of Record

Investigational Review